

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
SPARTANBURG DIVISION

MILLIKEN & COMPANY, a Delaware  
Corporation,

Plaintiff,

vs.

SOUTHCO INDUSTRIES, INC., a North  
Carolina Corporation,

Defendant.

C.A. NO.: 7:06-02430-HMH

**OPINION & ORDER**

This matter is before the court on Southco Industries, Inc.’s, (“Defendant”) motion to stay this action pending arbitration and to compel Milliken & Company (“Milliken”) to submit to arbitration. Milliken consents to the Defendant’s motion. Therefore, the court grants the parties’ consent motion to compel arbitration. However, because all claims between the parties are submitted to arbitration, the case is dismissed. See Choice Hotels Int’l, Inc. v. BSR Tropicana Resort, Inc., 252 F.3d 707, 709-10 (4th Cir. 2001) (“[D]ismissal is a proper remedy when all of the issues presented in a lawsuit are arbitrable.”).

It is therefore

**ORDERED** that the motion to compel arbitration is granted. It is further

**ORDERED** that the case is dismissed with leave to refile.

**IT IS SO ORDERED.**

s/Henry M. Herlong, Jr.  
United States District Judge

Greenville, South Carolina  
December 6, 2006